

Remarks/Arguments

This application was filed with 31 claims. Claims 1-31 have been rejected. Claims 1-19 have been amended. Therefore, Claims 1-31 are pending in the Application. Reconsideration of the application based on the claims as amended and arguments submitted below is respectfully requested.

Double Patenting

A terminal disclaimer is being submitted herewith to overcome the obviousness-type double patenting rejection based upon U.S. Patent No. 6,487,096.

Claim Rejections - 35 U.S.C. § 102(b)

Claim 1 has been rejected under 35 U.S.C. § 102(b) as being anticipated by Tokiwa, et al (U.S. Patent No. 5,010,467). In response, claim 1 has been amended to move the gas turbine claim language from the preamble of the claim into the body of the claim as suggested in the Office Action. Tokiwa does not mention a gas turbine or describe any power distribution system that uses one. Gas turbines are unusual in that they require that power be drawn from the power system in measured amounts for predetermined time periods in order to bring the gas turbine up to a starting speed and then ignite the gas which the gas turbine then uses to provide power to the system. Tokiwa does not discuss any of the problems involved with coupling a gas turbine to a power system and does not suggest that a controller as described will provide any benefits in such a situation. Since Tokiwa does not

disclose a gas turbine, the rejection of Claim 1 under 35 U.S.C. § 102(b) should be withdrawn.

Claim Rejections - 35 U.S.C. § 103

Claims 1-18 have been further rejected under 35 U.S.C. § 103(a) as being unpatentable over Tokiwa, et al. (U.S. Patent No. 5,010,467) in combination with Ooi (U.S. Patent No. 4,941,079). The Office Action takes the position that Ooi discloses a “turbine”. However, Ooi only briefly mentions turbines once, Col. 34, line 68, and that reference is to a steam turbine, not a gas turbine. Neither of the references suggests that a power system having a gas turbine and power converters as claimed is possible, desirable or more efficient. Ooi doesn’t even mention a gas turbine. Ooi only discloses a power transmission system that can include a steam turbine. A steam turbine does not have to be ignited or brought up to running speed by using the generator as a starter motor and, thus, never draws power from the power system like a gas turbine during startup. A steam turbine only supplies power and has nothing in common with a gas turbine other than turbine blades. Thus, a steam turbine such as disclosed in Ooi does not need a controller that controls the manner in which the steam turbine “sinks or sources power”. Thus, there is no motivation for combining the steam turbine of Ooi with the controller of Tokiwa and, even if they were combined, the result is not a gas turbine having power converters as recited in the claim. This distinction is further defined in claim 2 which recites that the converter is “bi-directional”. A steam turbine does need a

bi-directional converter because it never draws power from the line. Therefore, it is respectfully submitted that the rejection of Claims 1-18 under 35 U.S.C. § 103(a) should be withdrawn.

Claims 12 and 14 further illustrate the differences between the present invention and the prior art and specifically deal with “a utility start up mode of operation”. This form of operation is completely missing from the Tokiwa and Ooi disclosures. More particularly, claim 12 recites that “said second power converter applies power from said AC utility to said DC bus for conversion by said first power converter into power required by said gas turbine to startup”. As stated above, the steam turbine of Tokiwa does not require electrical power to start and thus, never draws power from the DC bus. In a similar fashion, claim 14 recites a “distributed generation power system claimed in claim 1, wherein during a utility start up mode of operation, one of said power converters isolates said DC bus so that said first power converter provides the required starting power from said DC bus to said gas turbine”. Again, Tokiwa only discusses a steam turbine which does not need to draw power from the DC bus.

With regard to the method claims, claim 19 has also been amended to more clearly recite that the method involves a gas turbine which is not described or suggested by any of the cited references. Also, the Office Action’s failure to substantively address the method claims based upon the “inherency” principle set forth in MPEP 2112.02 is completely unjustified. That section of the MPEP only applies when the claimed method is necessarily performed during the normal and

usual operation of the device shown in the prior art. However, in the present case, none of the cited references discloses a power system that includes a gas turbine. Therefore, none of the prior art cited involves “varying a fuel flow command to regulate speed of said turbine” as recited in claim 21, or “varying a fuel flow command to regulate exhaust gas temperature of said turbine” as recited in claim 22, or “varying a current command associated with said first signal processor to regulate a speed of said turbine” as recited in claim 24, or “varying an AC current command to said second signal processor to regulate a constant turbine EGT” as recited in claim 30. Therefore, it is respectfully submitted that claim 19, and claims 20-31 which depend from claim 19, are not anticipated by or obvious in light of the cited references.

Applicant has commented on some of the distinctions between the cited references and the claims to facilitate a better understanding of the present invention. This discussion is not exhaustive of the facets of the invention, and Applicant hereby reserves the right to present additional distinctions as appropriate. Furthermore, while these remarks may employ shortened, more specific, or variant descriptions of some of the claim language, Applicant respectfully notes that these remarks are not to be used to create implied limitations in the claims and only the actual wording of the claims should be considered against these references.

Request for an Interview

The Applicant kindly requests an in person or telephone interview with the Examiner to discuss the distinctions between the present invention as set forth in the amended claims and the prior art.

Pursuant to 37 C.F.R. § 1.136(a), Applicant petitions the Commissioner to extend the time for responding to the September 13, 2006, Office Action for 1 months from December 13, 2006, to January 13, 2007. Applicant encloses herewith a check in the amount of \$120 made payable to the Director of the USPTO for the petition fee.

The Commissioner is authorized to charge any deficiency or credit any overpayment associated with the filing of this Response to Deposit Account 23-0035.

Respectfully submitted,



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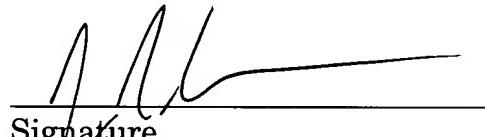
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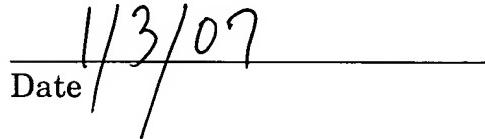
I hereby certify that this Response and Amendment in Application Serial No. 10/677,480 having a filing date of October 3, 2003 is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on January 3, 2007.

Jason L. Hornkohl


Signature
Registration Number 44,777


Date 1/3/07